



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Winn et al.

Serial No.: 09/653,563

Filed: August 31, 2000

For: ENDOTHELIN ANTAGONISTS

Examiner: Shaio, Rei Tsang

Group Art Unit: 1626

Case No: 5594USP9

Certificate of Mailing (37 CFR 1.8 (a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to:

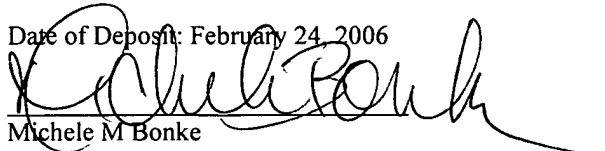
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Michele M Bonke

Terminal Disclaimer To Obviate a

Double-Patenting Rejection Under 37 CFR 1.321(b)

MS Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I, Bernard Gregory Donner, residing in Mundelein, County of Lake, Illinois, represent that I am a representative authorized to sign on behalf of the assignee identified below.

The assignee of the above-captioned patent application is Abbott Laboratories, Abbott Park Road, Abbott Park, County of Lake, Illinois, 60064. Bernard Gregory Donner, Patent Agent, Patents and Trademarks, Abbott Laboratories is authorized to sign on behalf of the assignee.

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The appropriate evidentiary documents, i.e., the recorded assignment of U. S. Patent Application Serial No. 09/653,563, filed August 31, 2000, and U. S. Patent No. 5,767,144, have been reviewed. I certify that, to the best of my knowledge and belief, title in the present application is in the assignee, Abbott Laboratories. The assignee is the sole owner of all rights and title by virtue of assignment of U. S. Patent Application Serial No. 09/653,563, filed August 31, 2000, which was recorded on February 2, 2001 at Reel/Frame No. 11288/0806. The U. S. Patent Application Serial No. 09/653,563 is a Continuation-in Part of U. S. Patent Application Serial No. 09/634,611.

Assignee hereby disclaims the terminal part of any patent granted on the '563 application which would extend beyond the expiration date of the full statutory term of U. S. Patent No. 5,767,144. Assignee further agrees that any patent so granted on the '563 application shall be enforceable only for and during such period that legal title to said patent shall be the same as the legal title to U. S. Patent No. 5,767,144, this agreement to run with any patent granted on the '563 application and to be binding upon the grantor, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the '563 application prior to the expiration date of the full statutory term of U. S. Patent No. 5,767,144 in the event that such patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is terminated prior to expiration of its statutory term.

The Commissioner is hereby expressly authorized to charge the appropriate terminal disclaimer fee of \$ 130 as provided under 37 CFR §1.20(d) to Deposit Account No. 01-0025.

I hereby declare that all statements made herein, of my knowledge, are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of

Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

23492

ABBOTT LABORATORIES
Telephone: (847) 937-3810
Facsimile: (847) 938-2623

Respectfully submitted,
Winn, et al.

A handwritten signature in black ink, appearing to read "B. Gregory Donner", written over a horizontal line.

B. Gregory Donner
Registration No. 34,580
Agent for Applicants